

EXHIBIT “B”

American Court Reporting
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IN THE FEDERAL COURT OF
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CIVIL ACTION NUMBER
2:06CV 377-WKW

PIONEER SERVICES, INC.,
Plaintiff,

vs

AUTO OWNERS INSURANCE
COMPANY,
Defendant

VIDEOTAPE DEPOSITION TESTIMONY OF:
BILL REAVES

January 25, 2007
10 a m

COURT REPORTER:
APRIL R. BENDINGER, CSR

1 offered in evidence, or prior thereto
2 In accordance with Rule 5(d) of the
3 Alabama Rules of Civil Procedure, as amended,
4 effective May 15, 1988, I, April R. Bendinger,
5 am hereby delivering to MR. HARRY HALL the
6 original transcript of the oral testimony taken
7 January 25, 2007, along with exhibits
8 Please be advised that this is the same
9 and not retained by the Court Reporter, nor
10 filed with the Court
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1 STIPULATION
2 IT IS STIPULATED AND AGREED by and
3 between the parties through their respective
4 counsel that the deposition of BILL REAVES may
5 be taken before April R. Bendinger, Notary
6 Public, State at Large, at the Law Offices of
7 Morrow, Romine & Pearson, 122 South Hull Street,
8 Montgomery, Alabama 36103, on January 25, 2007,
9 commencing at approximately 10 a m
10 II IS FURTHER STIPULATED AND AGREED
11 that the signature to and the reading of the
12 deposition by the witness is waived, the
13 deposition to have the same force and effect as
14 if full compliance had been had with all laws
15 and rules of Court relating to the taking of
16 depositions.
17 IT IS FURTHER STIPULATED AND AGREED
18 that it shall not be necessary for any
19 objections to be made by counsel to any
20 questions, except as to form or leading
21 questions and that counsel for the parties may
22 make objections and assign grounds at the time
23 of trial or at the time said depositions is

1 INDEX
2
3 EXAMINATION BY: PAGE
4 Mr Hall 25
5 Certificate 280
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10 INDEX OF EXHIBITS
11 PX-10 (File) 55
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1 nature of the objection under Rule 28(b), and I
 2 note that your objection is being made on the
 3 record before the commencement of the
 4 deposition. And under Rule 30(c), I overrule
 5 the objection at this time that you've already
 6 noted on the record your objection to the
 7 qualifications of the person doing the video
 8 deposition, and the deposition will proceed as
 9 Mr. Hall intends to pursue that this morning.
 10 And, of course, Judge Watkins will rule on the
 11 final admissibility or not of the videotape
 12 should this matter get to trial.

13 MR. PEARSON: So as far as the
 14 manner in which it's being videoed, just so it's
 15 on the record, as far as objection to the
 16 videoing of it, I've protected the record for
 17 that and I don't need to make any ongoing
 18 objection as to the videography of it?

19 THE COURT: That's correct.
 20 That's why we ask that the court reporter take
 21 these proceedings down was to make sure that
 22 they were part of the record in this case. You
 23 made your objection. I've overruled it on the

1 MR. HALL: Thank you, Your honor.
 2 THE COURT: You're welcome.
 3 MR. PEARSON: Thank you, Judge.

4 (End of telephone conversation)

5 VIDEOGRAPHER: This is the
 6 beginning of disk one of the deposition of Bill
 7 Reaves on January 25, 2007. I'd like everyone
 8 here to identify themselves. My name is Harry
 9 Hall, I represent the plaintiff.

10 MR. PEARSON: I'm Joel Pearson, I
 11 represent the defendant, Auto Owners Insurance
 12 Company. Just so the video shows some brief
 13 record of -- there have been proceedings on the
 14 stenographic record immediately preceding the
 15 turning on of this video that are part of the
 16 deposition as well.

17 MR. HALL: That's true. We had
 18 about a 20-minute session or less with Judge
 19 Moorer that's not a part of the video record
 20 because it has objections to the form of this
 21 deposition going forward. So this record -- the

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1 basis of 30(c), and we will proceed. But the
 2 ultimate admissibility of it is another matter
 3 that will be passed on to Judge Watkins should
 4 this matter arise at the level that it goes to
 5 trial.

6 MR. HALL: Judge, this is Harry
 7 Hall. We have other depositions coming up. One
 8 after this one this morning, and others in the
 9 future. Do you have any instructions for us as
 10 to future objections and how Mr. Pearson may
 11 preserve his rights on each one of those? I am
 12 certain he will be anxious to do that.

13 THE COURT: If there are other
 14 objections along this same line, rather than
 15 having to call me into the situation -- and I am
 16 not scolding either of you. You're trying to
 17 represent your parties as best you can. But in
 18 the future if you have objections in this
 19 particular case along the same lines, just go
 20 ahead and note your objection before you begin
 21 the deposition, have it recorded, and that will
 22 just be the standing rule of this particular
 23 case in regards to this same type of instance.

1 video record is going to begin after the
 2 stenographic record, but before any testimony
 3 from the deponent has begun; is that a fair
 4 statement?

5 MR. PEARSON: Yes. So what's on
 6 the stenographic record is incorporated into the
 7 deposition.

8 MR. HALL: And I'll stipulate the
 9 stenographic record is the record of the
 10 deposition. The video is in addition
 11 Mr. Reaves.

12 THE WITNESS: I'm Bill Reaves with
 13 Auto Owners Insurance.

14 COURT REPORTER: April Bendinger,
 15 court reporter with American Court Reporting.

16 MR. HALL: Usual stipulations?

17 MR. PEARSON: Yes.

18 BILL REAVES,
 19 first being duly sworn, was examined and
 20 testified as follows:

21 EXAMINATION BY MR. HALL:

6 (Pages 21 to 24)

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1 A Eight, maybe ten hours
 2 Q Any damage to your house?
 3 A No
 4 Q Do you recall how many claims you
 5 had come in as a result of Ivan?
 6 A No, I do not
 7 Q Was it more than 100?
 8 A There were thousands of claim that
 9 came in
 10 Q For territory four?
 11 A The claims aren't assigned to a
 12 specific territory during a storm situation.
 13 Q I guess what I'm asking: Within
 14 territory four, do you have an idea of how many
 15 claims were made for damages from Ivan?
 16 A Hundreds
 17 Q How do they get assigned out under
 18 a situation where you've got that many claims
 19 coming in? Is it any different than the normal
 20 way they get assigned to you?
 21 A They're assigned to an independent
 22 adjuster. A DO inspects the damages
 23 Q How are those independent

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1 adjusters selected?
 2 A It's usually predetermined that a
 3 certain adjuster -- adjusting firm will handle a
 4 certain county or a certain territory
 5 Q They get contacted right after the
 6 storm, I assume; is that right?
 7 A Yes
 8 Q In our depositions we took earlier
 9 this month, South Central Agency described a
 10 packet of loss claim forms that are sent
 11 prepared to them with all of their insureds'
 12 names and information on them. Are you familiar
 13 with that practice?
 14 A It's called a preprinted loss
 15 notice
 16 Q And the preprinted loss notice --
 17 are you involved in getting those to the agents
 18 in your territory?
 19 A No, I'm not
 20 Q Does it happen automatically?
 21 A It's done at corporate
 22 Q Do you help process those in any
 23 way?

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1 A The loss notices?
 2 Q Yes, sir
 3 A Yes
 4 Q How? What do you do?
 5 A When they're returned to us and a
 6 claim is being made, we review the claim,
 7 determine which adjuster -- adjusting firm it's
 8 assigned to, and put a reserve and open the
 9 coverages
 10 Q Okay. Are the claims somehow
 11 tracked by your territory? Is there a way to
 12 see how many came out of a county or a territory
 13 or a given area?
 14 A I don't know if there is or not
 15 I don't know.
 16 Q Are the claim numbers that are
 17 assigned -- is there a formula for how that
 18 claim number is assigned? Does one part of it
 19 mean territory four, one part means what year it
 20 came in or something like that?
 21 A The last digits on the claim
 22 number indicate the year that the claim was
 23 reported

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1 Q Turn over to the front of Exhibit
 2 10 for me. And that would be that dash 04;
 3 right?
 4 A That's correct
 5 Q Okay. The rest of the numbers, do
 6 they mean anything to you?
 7 A 37 is the branch number, which is
 8 the Montgomery branch
 9 Q What about the 4873?
 10 A That's the claim -- the internal
 11 guts of the claim number
 12 Q Is that sequential? Do those go
 13 in order?
 14 A They're in order
 15 Q So that's the 4,873rd claim for
 16 areas 37 in the year 2004?
 17 A That's correct
 18 Q Okay. Thank you.
 19 MR. PEARSON: Let me put something
 20 on the record. I think that actual page is Bate
 21 stamped AO 72. Just for the record, it's not an
 22 Auto Owners page, but a page run by my
 23 secretary.

40 (Pages 157 to 160)

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1 Q Okay. How did you find out about
2 Pioneer's claim?

3 A I was in the agent's office and
4 was given a stack of paperwork that they advised
5 that Mr. Williamson had dropped off.

6 Q When you say Mr. Williamson,
7 you're talking about Jimmy Williamson?

8 A That's correct.

9 Q He's the owner of Pioneer
10 Services; correct?

11 A That's my understanding.

12 Q And you dealt with him personally,
13 didn't you?

14 A I did.

15 Q So if we say Mr. Williamson, we're
16 talking about Jimmy Williamson; right?

17 A That's correct.

18 Q Do you recall what day you were in
19 the South Central Agency and you got these
20 papers?

21 A November 8, 2004.

22 Q Okay. Do you recall when the --
23 let me see that stack.

1 Q What claim is that for?

2 A It's for Pioneer Telephone
3 Services.

4 Q Who filled that out?

5 A Which part?

6 Q Well, tell me how it got filled
7 out. That's what I'm asking you.

8 A The typed print on the page is
9 preprinted in -- at our home office.

10 Q That's a part of what's sent out
11 to the agents?

12 A That's correct.

13 Q And the rest of it?

14 A The rest of it appears to be
15 filled out by Ashley Sasser.

16 Q Do you know who Ashley Sasser is?

17 A Yes.

18 Q Who is Ashley Sasser?

19 A She was a lady that worked at
20 South Central Agency.

21 Q So a representative of the agent
22 filled this out for Pioneer?

23 A That's correct.

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1 MR. PEARSON: If you're at a
2 breaking point while you're shifting gears, I
3 need to make another call here in a few minutes.

4 MR. HALL: We've got about 20
5 minutes left on this. You want to take a break
6 right now and let me find mine because we're
7 about to do some details on this. We'll stop
8 now. We're going off the record.

9
10 2:15 p.m.
11 (Off the record)

12 2:19 p.m.

13
14 MR. HALL: We're back onto disk 3
15 of Bill Reaves' deposition of January 25, 2007.
16 Q (BY MR. HALL) Mr. Reaves, let me
17 get you to look at two pages out of Plaintiff's
18 Exhibit 10 that are AO 113 and AO 114. What are
19 those documents, please?

20 A It's a loss notice.

21 Q Is that the preprinted loss notice
22 you were telling me about before?

23 A That's correct.

1 Q Where did she send it?

2 A It would have been sent to Auto
3 Owners in Montgomery.

4 Q There is -- across the top of it,
5 it looks like what I call a fax track. It says
6 September 17, 2004, 10:20 a.m., HP Laser Jet
7 3200, Page 3. Do you see that?

8 A That's what it says.

9 Q Look on the second page of the
10 document. That says Page Four. Do those seem
11 to have gone on September 7, 2004?

12 A I don't know if they did or not.

13 Q Well, have you ever seen fax track
14 like that set across there?

15 A Yes, I have.

16 Q Is that common for Auto Owners fax
17 machine to tab that on incoming documents?

18 A I have seen faxes come in with
19 that.

20 Q Well, would you -- does Ashley
21 have a date that she signed it?

22 A September 17, 2004.

23 Q Is that the same as that date?

42 (Pages 165 to 168)

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1 fairly shortly to GAB Robbins, what happened
2 next?
3 A We'd have to look at their report
4 to see what happened after they received the
5 claim
6 Q Do you know Phillip Gauthier?
7 A No, I don't know him
8 Q Have you ever met him?
9 A Never met him
10 Q Are you aware of him submitting a
11 report or an estimate for damage in this case?
12 A Yes, I am
13 Q Did you see that before it was
14 paid in this case?
15 A Yes, I did
16 Q I have opened Exhibit 10 to AO 149
17 through AO -- be sure I got the last page right,
18 I want to say 176. Will you look at 149 through
19 176 and see if that's everything that GAB
20 Robbins would have sent up? And I say sent up,
21 would have done on this -- generated on this
22 file
23 A That wasn't sent up here with it

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1 Q That's 166; is that correct?
2 A That's correct. Everything but
3 that one document appears to be what was sent to
4 us
5 Q Does this come to you or to
6 someone else? When GAB submits their report and
7 estimate, does that go to you or to someone
8 else?
9 A I think at the point it was sent
10 in, it was sent to me
11 Q Did you send it to somebody else?
12 A Send what? The --
13 Q Let me ask it a different way
14 GAB did an investigation; is that correct?
15 A That's correct
16 Q And prepared the documents from
17 Page AO 149 through 176 with the exception of
18 166, which is a letter that they did not write,
19 that I think you wrote. GAB prepared these
20 documents; right?
21 A That's correct
22 Q Do you know when these
23 documents -- or what -- do you want to explain

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1 to me maybe what these consist of so we can
2 refer to them in your terms?
3 A It is a copy of their estimate for
4 damages to the property at Pioneer Telephone
5 Q And what's the date of that
6 estimate?
7 A The date it was written?
8 Q Yes, sir. Look at the bottom --
9 A December 5, 2004
10 Q Okay. Is that the only date for
11 any of the estimates that were prepared by GAB
12 Robbins?
13 A Is that the only -- clarify that.
14 Q I'm trying to understand the order
15 or sequence that GAB Robbins handled this
16 claim. I know that we've got a report on
17 December 5, 2004 with estimates and what they
18 said was owed or what the value of the claim
19 was; is that fair?
20 A That's correct.
21 Q Other than that, what other things
22 did they do on which dates? For instance,
23 there's a September 25th date under a lot of the

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1 photographs. Do you know if that's the date
2 that the adjuster for GAB was out taking
3 pictures, or was there another report dated
4 September 25?
5 A I don't know if that may be the
6 day that the pictures were printed
7 Q I need to ask GAB what that date
8 was?
9 A Yeah. I can't say exactly what
10 that date is
11 Q Do you know what else on these
12 documents would tell you about what activity
13 took place based on GAB Robbins activity. And
14 that was a horrible question. Strike that.
15 Do the documents in front of you show you
16 any other activity on GAB Robbins part?
17 A Yes
18 Q What other activity?
19 A The dates on here that -- they say
20 they were given the assignment on September 20,
21 2004. They contacted the insured on September
22 21, 2004, and they indicate they inspected the
23 loss on September 23, 2004.

44 (Pages 173 to 176)

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1 Q They went - the only thing
 2 reflected in these documents you're looking at
 3 now is GAB Robbins adjusting the building
 4 damage; is that true?
 5 A That's correct
 6 Q All right What you're telling me
 7 is you don't know whether Pioneer Services ever
 8 told GAB Robbins about the contents claim?
 9 A I don't know
 10 Q Who would know? Mr. Gauthier?
 11 A Mr. Gauthier or Mr. Williamson
 12 would probably know the answer to that
 13 Q So what happened as a result of
 14 the report provided on December 5, 2004 by GAB
 15 Robbins concerning the building claim?
 16 A We sent a letter to Mr. Williamson
 17 advising him that we had received the estimate
 18 and would look to discuss the claim with him
 19 Q Is that letter included in Exhibit
 20 10?
 21 A Should be
 22 Q Let's find that real quick
 23 A Right here

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1 Q Let's put GAB Robbins back
 2 together, and put it over here You're
 3 discussing, I believe, two pages of a letter
 4 that are numbers 178 and 179; is that true?
 5 A That's correct
 6 Q All right That's a letter from
 7 you; is that correct?
 8 A Yes, it is
 9 Q And it's addressing the property
 10 damage claim?
 11 A Yes, it is.
 12 Q Does it also address the contents
 13 claim?
 14 A Yes, it does
 15 Q Let's back up a little bit Can
 16 you tell me what involvement you had in Pioneer
 17 Services' claim prior to the letter that's dated
 18 December 20, 2004?
 19 A I received notice of a contents
 20 claim on November 8, 2004
 21 Q All right How do you recall
 22 November 8th? Is there something that happened
 23 on that day specifically that you remember?

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1 A I was in Andalusia that day
 2 Q All right How did you receive
 3 notice of this claim?
 4 A I was in the agent's office
 5 Q And?
 6 A They handed me a stack of papers
 7 that Jimmy Williamson had presented to them
 8 Q What were those papers?
 9 A It was a lightning affidavit and
 10 some invoices and a water affidavit
 11 Q Who made out those affidavits? Do
 12 you recall?
 13 A Jimmy Williamson signed them I
 14 don't know who prepared them
 15 Q So on November 8th, you -- let me
 16 see this back Let me show you some documents
 17 out of Exhibit 10 They are AO 181 through
 18 194 Take a look at that those for me
 19 A Okay
 20 Q All right Are those the
 21 documents that you were handed on November 8,
 22 2004?
 23 A I believe they were

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1 Q All right And let me be sure I
 2 understand the nature of these The first
 3 document is a four-page document that says,
 4 invoice, and it's dated October 29, 2004 It
 5 has a list of equipment and it starts off with,
 6 equipment in warehouse water damaged by Ivan
 7 storm Does that seem like it's one document?
 8 A It appears to be.
 9 Q All right What do you consider
 10 that document to be?
 11 A It appears to be an invoice where
 12 Pioneer Telephone Services sold themselves some
 13 equipment
 14 Q Is it an estimate for damaged
 15 equipment?
 16 A It says it's an invoice
 17 Q Okay Well, is that as far as you
 18 looked is that top line on the left-hand side --
 19 or right-hand side?
 20 A No.
 21 Q What did you do with that
 22 document? What did you take it to be when you
 23 got it?

46 (Pages 181 to 184)

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1 A I thought he was probably taking
 2 this invoice and wanting to make it an estimate
 3 Q Did you talk to anybody about
 4 that?
 5 A I did
 6 Q Who did you talk to about that?
 7 A Jimmy Williamson.
 8 Q What did you tell Jimmy Williamson
 9 and when?
 10 A I believe the date was November
 11 15th
 12 Q Okay About a week later?
 13 A That's correct I advised him
 14 that the claim or the invoice was a lumped-sum
 15 invoice and that we couldn't accept a lump item
 16 like that We needed invoice prices and line-
 17 by-line prices of what these items costs
 18 Q You told Jimmy Williamson that on
 19 the 15th?
 20 A That's correct.
 21 Q Who else was present for that
 22 conversation?
 23 A Just Jimmy Williamson

1 letterhead?
 2 A No
 3 Q So you were confused by this
 4 document?
 5 A I did not know at the time what
 6 that represented
 7 Q At the time it was handed to you?
 8 A That's correct
 9 Q What inquiry, if any, did you make
 10 into the nature of this document?
 11 MR. PEARSON: Object to the form
 12 He's already testified to that
 13 A That's when I talked with Jimmy
 14 Williamson about it to find out exactly what
 15 that was
 16 Q What did he say?
 17 A He said that's the amount he was
 18 claiming was water damaged
 19 Q Your testimony is that you told
 20 him at that time you needed more details?
 21 A Needed a breakdown on it line by
 22 line for the amount each item cost, and we
 23 needed his invoices for price verification on

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1 Q Where did it take place?
 2 A I don't remember if it took place
 3 at his business at Pioneer Telephone Services or
 4 if it took place at his residence in his shed
 5 Q One or the other?
 6 A One or the other
 7 Q And during the week that you had
 8 this estimate or this invoice which is 181
 9 through 184, did you do anything with it?
 10 A No, I didn't
 11 Q Did you see that language I was
 12 talking about where it said "equipment in
 13 warehouse water damaged by Ivan storm" on it?
 14 A Yes, I did.
 15 Q Did you ever think this was an
 16 invoice?
 17 A I wasn't quite sure what it was
 18 I know what it said
 19 Q You're talking about the label up
 20 here "invoice"?
 21 A That's right
 22 Q Well, was it obvious to you that
 23 this was an estimate that was done on an invoice

1 it
 2 Q Wait a minute. You also asked him
 3 for an invoice, a copy where he purchased it?
 4 A That's correct
 5 Q Okay You didn't say that
 6 before Is there anything else that you asked
 7 him for on the 15th of November besides a
 8 breakdown item by item, and now you're saying a
 9 copy of the invoice where he purchased each of
 10 these items?
 11 A That's correct
 12 Q Anything else besides those two
 13 things?
 14 A That I asked him to send to me?
 15 Q Yes
 16 A Not at that time
 17 Q Okay Let me show you Pages 185
 18 through 190 Have you seen that document
 19 before?
 20 A Yes, I have
 21 Q When did you see that document?
 22 A The first time I saw it was
 23 November 8.

47 (Pages 185 to 188)

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1 Q What does number three say under	1 you to look at?
2 it in handwriting?	2 A Yes, he did.
3 A Area insured claims inventory got	3 Q Did he place any restrictions on
4 wet	4 your looking at them?
5 Q When did you write that?	5 A No, he didn't
6 A After I printed these out.	6 Q Did he give you as much time as
7 Q When did you print these out?	7 you wanted?
8 A I don't recall the date	8 A Yes, he did
9 Q Was it more than a weak after you	9 Q Did he allow you to take pictures?
10 inspected that building?	10 A Yes
11 A It was probably less than a week	11 Q Did he allow you to take samples
12 Q All right Let's go to the next	12 if you wanted them?
13 page What do you see on the next page?	13 MR PEARSON: Object to the form
14 A That's -- picture five appears to	14 A We didn't request to take any
15 be some carpet.	15 samples
16 Q Why did you take that picture?	16 Q Did he ever tell you you weren't
17 A Mr Williamson had advised that	17 allowed to take samples?
18 the carpet had been damaged	18 A No, he didn't
19 Q Were you taking a picture of the	19 Q Did he ever indicate that it would
20 damage to the carpet?	20 not be okay for you to take some of those?
21 A I believe so	21 A No, he didn't
22 Q All right What about the next	22 Q That picture on the top, what
23 picture?	23 number is that that shows the circuit boards?
Page 202	Page 204
1 A The sixth picture is a picture of	1 A Picture six
2 one of these boards that he claimed was damaged	2 Q Picture six Tell me why you took
3 Q Now, is that at a different	3 that picture
4 location?	4 A To show how these boards were
5 A Yes, it is.	5 packaged.
6 Q Where was that taken?	6 Q How were they packaged?
7 A That was taken at his residence	7 A Inside a cardboard box with
8 Q How far was his residence from his	8 protective foam and wrapped -- or inside a
9 office?	9 plastic bag
10 A A mile, mile and a half	10 Q What about the next picture?
11 Q All right Why did you go to his	11 A Seven?
12 residence?	12 Q Yes
13 A That's where the contents he	13 A That's pictures of more of these
14 claimed were damaged were located.	14 boards that were stacked in there
15 Q All right Did you then go with	15 Q What is written underneath number
16 him to his residence to look at those?	16 seven?
17 A Yes, I did	17 A It says, inventory insured claims
18 Q And were they stored in a	18 got wet.
19 building?	19 Q All right Did you not believe
20 A Yes, they were	20 him at that time?
21 Q Protected from the elements?	21 A I had my suspicions whether the
22 A Yes, they were	22 actual board had gotten wet.
23 Q And did he make them available for	23 Q Why was that?

51 (Pages 201 to 204)

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1 Q Okay So there's different stacks
 2 of boxes that got wet?
 3 A Yes
 4 Q Okay All right Let me see
 5 Other than the 14 photographs we've just
 6 reviewed, did you take any other photographs
 7 concerning this claim?
 8 A No, I didn't
 9 Q After you photographed those
 10 documents, what did you do?
 11 A I advised Mr. Williamson to hang
 12 onto all those items he was claiming was
 13 damaged
 14 Q Why is that?
 15 A Because I had realized at that
 16 point I could not verify or deny that the actual
 17 items were damaged by lightning or water, and I
 18 knew we needed an expert to come in on a claim
 19 like this
 20 Q You knew on November 15 or 16th,
 21 depending on which day it was -- whichever day
 22 you were there?
 23 A Right

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1 Q You knew that you needed an expert
 2 to look at this?
 3 A That's correct
 4 Q Did you tell Mr. Williamson that
 5 you were going to get an expert to look at it?
 6 A I told him that day that we were
 7 going to most likely send somebody out to look
 8 at it
 9 Q Did you follow that up with a
 10 letter?
 11 A No, I didn't
 12 Q Well, if it wasn't damaged by
 13 water -- if this equipment was not damaged by
 14 water, the claim would be denied, wouldn't it?
 15 A If they were not damaged, then
 16 we'd have no reason to pay the claim
 17 Q If you've got a potential denial
 18 of the claim, isn't that something you should
 19 put in writing to your insured?
 20 A I wasn't going to notify him of a
 21 denial claim. Like I said, I had no basis to
 22 confirm or deny what he was claiming
 23 Q So what you needed was a third

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1 party with experience in the field of looking at
 2 electronics to see if they were damaged; is that
 3 right?
 4 A That's correct
 5 Q Did you write Mr. Williamson about
 6 anything after the meeting on November 15th or
 7 16th?
 8 A Yes, I did
 9 Q Good When did you write him
 10 next?
 11 A I'd have to look at the claim to
 12 see the exact date
 13 Q Did you call him before you wrote
 14 him that next time?
 15 A No, I didn't
 16 Q Did you have any conversations
 17 with him before you wrote him the next time?
 18 A No, I didn't
 19 Q Did you call South Central Agency
 20 and tell them to tell him anything for you?
 21 A No, I didn't
 22 Q So when was the next time you had
 23 any communication with Mr. Williamson?

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1 A Anytime that he and I conversed
 2 Q Next time y'all talked after the
 3 meeting where you took those photographs we just
 4 looked at?
 5 A I don't recall talking to
 6 Mr. Williamson after that day.
 7 Q Then it would be the next time you
 8 wrote him a letter, I'd suspect?
 9 A That would be the next
 10 communication between the two of us
 11 Q That's what I'm looking for Do
 12 you know if it's your December 20th letter?
 13 A Yes Do you know what page that's
 14 on?
 15 Q Not right off, but we can find it
 16 I bet Joel does That's page what?
 17 A AO 205 and AO 206
 18 Q All right So you meet with him
 19 and look at the equipment on November 15th or
 20 16th The pictures say 16th, you recall 15th,
 21 but it was one or the other?
 22 A That's correct
 23 Q And after that, you had no

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1 communication with him until you wrote this
 2 letter on December 20, 2004; is that right?
 3 A That's correct
 4 Q What did that letter say?
 5 A It says, Dear Sir or Madam, we
 6 received the estimate from an independent
 7 adjuster for your building damages I've
 8 enclosed a copy for you to review Once you've
 9 had a chance to review, please give me a call so
 10 that we may settle that portion of the claim
 11 As to the damages that you're claiming to your
 12 phone system due to lightning and the water
 13 damage to inventory, Auto Owners appreciates
 14 your professional opinion as to the damages
 15 claimed; however, it is a conflict of interest
 16 to write your own lighting affidavit We also
 17 understand that you have disposed of the damaged
 18 equipment without us being able to have a third
 19 party verify the damages We are hereby
 20 requesting you provide us with outside
 21 documentation and evidence for the damage, along
 22 with the salvage value Under your policy, the
 23 following is contained: Used in the event of

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1 loss or damage, you must see that the following
 2 are done in the event of loss or damage to
 3 covered property: Take all responsible steps to
 4 protect the covered property; for further damage
 5 by a covered cause loss; if feasible, set the
 6 damaged property aside in the best possible
 7 order for examination; also, keep a record of
 8 your expenses for emergency and temporary
 9 repairs for consideration of settlement of the
 10 claim This will not increase the limit of
 11 insurance; and, at our request, give us complete
 12 inventory of the damaged and undamaged property,
 13 including quantities, cost, values and amount of
 14 loss claimed; as often as may be reasonably
 15 required, permit us to inspect the property
 16 proving the loss or damage and examine your
 17 books and records; also, permit us to take
 18 samples of the damaged and undamaged property
 19 for inspection, testing and analysis and permit
 20 us to make copies from your books and records
 21 Reservation: Please be advised that this letter
 22 does not waive any rights or defenses which Auto
 23 Owners Insurance Company may have regarding this

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1 matter under any policy of insurance issued by
 2 Auto Owners Insurance, whether or not such
 3 claims or defenses are set forth herein Auto
 4 Owners reserves the right to supplement this
 5 letter upon receipt of further information which
 6 may subsequently become available Thank you
 7 for your time and consideration in the matter
 8 If you have any further -- if you need any
 9 further assistance, please give me a call at
 10 1-800-548-9881, Extension 204
 11 Q Is that a form letter?
 12 A No, it's not
 13 Q Is part of it a form letter?
 14 A No, it's not a form letter. The
 15 duties in the event of a loss is part of the
 16 policy language
 17 Q Okay The reservation paragraph,
 18 is that a form that you insert for this, or did
 19 you dictate every word of that?
 20 A I don't think I dictated I think
 21 I typed this letter myself
 22 Q I'm sorry So you typed this
 23 letter, and you went and got all the policy

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1 language and put it in there yourself?
 2 A That's correct
 3 Q All right How did you find
 4 out or come to know that the equipment had been
 5 disposed of?
 6 A I received a call from Larry
 7 Dewberry
 8 Q And let's back up a notch When
 9 did you contact Mr Dewberry to get him
 10 involved?
 11 A I believe it was on December 9th
 12 Q What did you ask him to do?
 13 A I'd have to pull the letter out to
 14 see
 15 Q Did you call him?
 16 A No
 17 Q The letter is the communication to
 18 Mr Dewberry?
 19 A That's correct
 20 Q Had you --
 21 A Let me take that back I may have
 22 called him to let him know I was going to be
 23 sending him something.

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1 Q All right During this period of
2 time, November, December, January, did you make
3 your weekly stop in Andalusia to see South
4 Central Agency?
5 A Yes, I did.
6 Q Did you talk to either of the two
7 principals of that business every time you were
8 there?
9 A Not every time I was there.
10 Q Did you talk to one of them every
11 time, or did you try to talk to them? Tell me
12 about that
13 A Sometimes they were there;
14 sometimes they were not there
15 Q Do you know their names?
16 A John Tomberlin and Harold Young
17 Q Okay Did you talk to them about
18 this claim between November and December of '04?
19 A I don't recall talking to them
20 while in their office
21 Q You don't recall talking to them
22 while you were at their office?
23 A No

1 prices on them
2 Q The details you were talking about
3 earlier?
4 A That's correct I believe those
5 came in --
6 Q That would --
7 A -- in that time period.
8 Q That would have been what you were
9 spot checking --
10 A That's correct
11 Q -- to see if it added up right?
12 A That's correct
13 Q Did anything in your spot checking
14 lead you to believe that the numbers didn't
15 match up?
16 A No
17 Q Did you communicate with Jimmy
18 Williamson in any way between the time you sent
19 the letter to Mr Dewberry and the December 20th
20 letter?
21 A No, I didn't
22 Q And it's your testimony that when
23 you left Jimmy Williamson's house on November

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1 Q Do you recall any other times you
2 talked to them? On the phone or any other way?
3 A I believe I got a phone call from
4 them asking what the status was on it
5 Q And why were they calling about
6 that?
7 A I don't know that
8 Q Why do agents usually call you
9 about status on a claim?
10 A Usually because the insured has
11 contacted them
12 Q What did you tell them about the
13 status of the claim?
14 A I don't recall the exact words
15 I'm sure I told them we were working on the
16 claim, and we're trying to resolve it
17 Q What activity took place on the
18 claim from November 16th to December 20th other
19 than the letter to Mr Dewberry?
20 A That's all -- I take back I
21 believe that Jimmy Williamson had, in the
22 meantime, faxed me a breakdown of those
23 invoices -- on those invoices and listed the

1 15th or 16th, you believe that you wanted to
2 have someone test the equipment?
3 A I was quite certain that we were
4 going to have to send somebody out to inspect
5 it
6 Q But you never wrote him to tell
7 him that?
8 A I told him that while we were in
9 his shed?
10 Q But you didn't put that in
11 writing, did you?
12 A No, I didn't
13 Q When you wrote this letter on
14 December 20th, you said, we also understand that
15 you have disposed of the damaged equipment
16 without us being able to have a third party
17 verify the damages We are hereby requesting
18 you provide us with outside documentation and
19 evidence of the damages, along with the salvage
20 value Did Mr Williamson ever do that?
21 A He did send us some other
22 information
23 Q What did you do with that

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1 information?
2 A Reviewed it.
3 Q Can you find that for me in the
4 stack? Are those the estimates from Telcom?
5 A That's correct
6 Q We've already marked those as a
7 separate exhibit Just to keep us from taking
8 them out of the book, look at Page -- is 123
9 included in there?
10 A I what?
11 Q 123
12 A No, it's not.
13 Q How did we pull that off? All
14 right Is there a gap --
15 A There's a gap from 122 to 142
16 Q Well, here, let me pass you over
17 something
18 MR PEARSON: Again, Plaintiff's
19 Exhibit 10 is what Harry brought He knows that
20 he had all those documents --
21 MR. HALL: That's right We're
22 going to fill in the gaps.
23 Q Let me show you what's been marked

1 A Yes, I did.
2 Q What did you do with that
3 information?
4 A We didn't do with anything with
5 it
6 Q What did you do with this document
7 that is AO 123 through 127?
8 A I did review the information
9 contained in there
10 Q Did you also receive Exhibit 4,
11 which is AO 128 through 131?
12 A Yes, I did
13 Q Is this a quotation from Telcom
14 Services?
15 A That's what it says
16 Q Did you review that document?
17 A Yes, I did
18 Q What did you learn from that
19 document when you looked at it?
20 A I saw that it was the exact same
21 information that had been sent to me before
22 except the names had been changed on it
23 Q What did you do with it after you

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1 Plaintiff's Exhibit 3 Is that one of the
2 documents that Mr Williamson sent you after the
3 meeting in November in his shed?
4 A Yes, it is
5 Q Is that signed by Mac Bracewell?
6 A It appears to be signed by SWP
7 Q On behalf of Mr. Bracewell?
8 A It's signed K Mac Bracewell by
9 SWP
10 Q Do you take exception to that
11 signature line?
12 A On an affidavit?
13 Q Yes, sir
14 A Yes
15 Q What's wrong with that?
16 A Never signed by -- or doesn't
17 appear to be signed by Mac Bracewell
18 Q Did you ever call Mr Bracewell to
19 find out if he authorized his signature on that
20 document?
21 A No, I didn't
22 Q Did you notice that it was by SWP
23 at the time you received it?

1 noticed that?
2 A That's all I did with it.
3 Q Did you put it in the file?
4 A It went in the file
5 Q Did you compare it to any of the
6 other invoices or quotations?
7 A I compared it with the previous
8 invoices that had come in.
9 Q Did you contact Telcom Services?
10 A No, I didn't
11 Q Did you contact Jimmy Williamson?
12 A No, I didn't
13 Q Did you contact anybody about this
14 when you received it?
15 A No, I didn't
16 Q Did you do anything with the
17 information other than put it in the file?
18 A I reviewed it and saw that it was
19 the exact same thing that we had prior to that
20 Q So you reviewed it and put it in
21 the file?
22 A That's correct
23 Q What about Exhibit 5? What is

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1 Exhibit 5?
 2 A It's listed as a lightning
 3 affidavit from Telcom Services.
 4 Q Did you receive that as well after
 5 your November 16th meeting with Jimmy
 6 Williamson?
 7 A I did receive it after that
 8 Q What did you do with it?
 9 A I reviewed it
 10 Q What did you do with it after you
 11 reviewed it?
 12 A I put it in the file
 13 Q Did you call Telcom Services about
 14 this affidavit?
 15 A No, I didn't
 16 Q What about Plaintiff's Exhibit 6?
 17 Did you review that?
 18 A Yes, I did.
 19 Q What is Plaintiff's Exhibit 6?
 20 A It's a quotation for damaged
 21 items
 22 Q Okay Who submitted this
 23 quotation?

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1 A Jimmy Williamson submitted it.
 2 Q Who quoted it?
 3 A It says Telcom
 4 Q Did you ever call Telcom Services
 5 for any reason?
 6 A No, I didn't
 7 Q Did you find out who they were?
 8 A I found out who Mac Bracewell was
 9 Q What did you do to find out who
 10 Mac Bracewell was?
 11 A I asked the agent
 12 Q Which of the agents did you speak
 13 to about that?
 14 A I can't remember if it was Harold
 15 or John
 16 Q And when --- did you do that in
 17 person or on the phone?
 18 A I think I did it on one of my
 19 weekly visits down there
 20 Q So in person, you asked one of the
 21 agents about Mac Bracewell?
 22 A I asked who Mac Bracewell was
 23 Q What did they tell you?

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1 A That he -- they weren't exactly
 2 sure, but they said he either used to own
 3 Pioneer Telephone or worked at Pioneer Telephone
 4 or may be the one who sold Pioneer Telephone to
 5 Jimmy Williamson
 6 Q Was that information relevant to
 7 your investigation?
 8 A It was relevant for me to just
 9 generally inquire on who Mac Bracewell was
 10 Q Did you make any further inquiries
 11 besides asking South Central Agency who he was?
 12 A No, I didn't
 13 Q Were you satisfied with the
 14 information you received from them?
 15 A It gave me an idea of who Mac
 16 Bracewell was
 17 Q Okay Was that enough information
 18 for you?
 19 MR PEARSON: Object to the form.
 20 A It was all the information that I
 21 obtained from them
 22 Q Was it all the information you
 23 needed about him?

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1 MR PEARSON: Object to the form
 2 A It was all the information that I
 3 was going to find out about Mac Bracewell
 4 Q All right You said that's all
 5 that you were going to find out about him Why
 6 is that all you that were going to find out
 7 about him?
 8 A At this point, after reviewing
 9 these lightning affidavit/water affidavits that
 10 he sent in, they were nothing more than a
 11 duplicate of what we had already received And
 12 then find out the fact that he had ties to Jimmy
 13 Williamson in the past or had some sort of
 14 dealings with him, then it made his lightning
 15 affidavit and water affidavit seem less
 16 credible
 17 Q Did you ever communicate that to
 18 Jimmy Williamson?
 19 A No, I didn't
 20 Q Did you ever communicate that to
 21 Mac Bracewell?
 22 A No, I didn't
 23 Q Did you ever communicate that to

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1 anybody?
2 A No, I didn't -- I take that back.
3 This may have been discussed with our home
4 office claims
5 Q Who at the home office would you
6 have talked to about that?
7 A Cindy Gilner, or Cindy Jones
8 Q Any other documents you received
9 from Jimmy Williamson after your meeting at his
10 house on November 16th before you sent the
11 letter on December 20?
12 A No
13 Q Is there one more document behind
14 that one, maybe?
15 A No
16 Q Okay. Now, in addition to the
17 documents that we've just reviewed, Jimmy
18 Williamson sent you other itemization with
19 dollar figures about the cost?
20 A I believe he did
21 Q Did you use that information to
22 spot check the earlier estimates he had prepared
23 for you?

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1 A The earlier estimates that he sent
2 were -- didn't have figures on it
3 Q What I'm asking, did you do
4 anything with that information when he sent it
5 to you?
6 A Which information are you --
7 Q The dollar figure
8 A We've got so many that he sent in
9 that I'm having trouble keeping up with when and
10 where
11 Q Fair question. The ones that I
12 haven't seen are the ones you're talking about,
13 which are the -- the information with the cost
14 of the specific equipment. You said he sent you
15 that. And I think you said you spot checked
16 some of it. I may be wrong about that
17 A Right
18 Q I think you said earlier that you
19 spot checked the cost of different equipment
20 with the earlier estimates that Williamson sent
21 up -- the first batch that you received back on
22 November 8th
23 A No, I didn't spot check the

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1 prices. I didn't have any prices to go with
2 Q What did you spot check?
3 A I just spot checked -- he claimed
4 he had six item 105, and checked to see if he
5 had that same amount on the invoice.
6 Q Okay. Did they match up?
7 A They seemed to
8 Q Did you find anything in the
9 documents that Jimmy Williamson sent you or that
10 Mac Bracewell sent you that seemed to indicate
11 they were not being truthful about the documents
12 they were listing as damaged?
13 A Ask that again
14 Q Did you see anything in the
15 documents that Jimmy Williamson sent you or that
16 Mac Bracewell sent you that indicated they were
17 being less than truthful about the documents
18 they were claiming had been damaged?
19 A No, I did not
20 Q Okay
21 MR HALL: Let's stop and change
22 tapes
23

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1 3:43 p.m.
2 (Off the record discussion)
3 3:46 p.m.
4
5 MR HALL: This is disk five of
6 the deposition of Bill Reaves on January 25,
7 2007
8 Q (BY MR HALL) Mr. Reaves, in your
9 -- by the time you sent the letter on December
10 20, 2004, you had received not only the initial
11 documentation that we reviewed that
12 Mr. Williamson dropped off and you got on
13 November 8th, but also these subsequent
14 documents that we've been through which are
15 Exhibits 3 through 7; is that true?
16 A Is that the ones from Telcom?
17 Q Yeah, the ones we just went over
18 A I don't believe I had received
19 Telcom --
20 Q By the time you got this letter?
21 A On that December 20th -- let me
22 see the December 20th letter
23 Q Absolutely.

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1 A No, he didn't
2 Q After your December 20th letter,
3 you received Exhibits 3 through 7, and you sent
4 a letter to Mr. Dewberry and got a letter back
5 from Mr. Dewberry. What did you do next?
6 A I believe I reported this to our
7 home office claims
8 Q Let's look at that document. Is
9 this a fax you sent up to the home office?
10 A Yes, it is.
11 Q Is that a fax -- I think it's
12 maybe 109 -- tell me what that is, Pages 109 and
13 110 of Exhibit 10
14 A It's an interoffice communication
15 that was done on December 21st to our corporate
16 claims office
17 Q In that, did you outline to your
18 corporate claims office the information about
19 this claim?
20 A Yes, I did
21 Q Did you draft this before the 21st
22 of December?
23 A I may have. It may have been

1 could dispose of the property?
2 A Larry Dewberry told me that.
3 Q Have you ever talked to Jimmy
4 Williamson about that?
5 A No, I haven't.
6 Q Did you ever call him to find out
7 if that was true?
8 A No. I believe I mentioned that in
9 my December 20th letter.
10 Q How did you mention that in your
11 December 20th letter?
12 A Okay. I was mistaken. I did not
13 mention that in the December 20th letter.
14 Q All right. In this letter of
15 December 21st, it says --
16 A No, no. Let me back up. It says,
17 we also understand that you have disposed of the
18 damaged equipment without us being able to have
19 a third party verify the damages.
20 Q But not about who told him he
21 could dispose of it?
22 A No.
23 Q This letter of December 21st says,

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1 drafted on the 20th and printed on the 21st
2 Q At the most, one day delay?
3 A Right.
4 Q In this you said, as to the phone
5 system, I saw that the -- what the insured said
6 was phone system, but was unable to identify any
7 internal lightning damage. What did you do to
8 attempt to verify internal lightning damage?
9 A I just looked at the phone system.
10 Q Didn't you tell me earlier that
11 you had no way of determining if there was
12 lightning damage?
13 A I'm not an expert in determining
14 lightning damage.
15 Q Right. So you wouldn't be able to
16 just by looking at it, could you?
17 A However, I didn't see any obvious
18 visible damage.
19 Q Did you ask him to point out the
20 damage to you?
21 A I don't recall asking him.
22 Q Did Mr. Dewberry tell you that
23 Jimmy Williamson was told by the agent that he

1 it was Mr. Dewberry's understanding that the
2 insured's agent had advised him that he could
3 dispose of the property. We have not yet
4 verified that with the insured. Did you do
5 anything to find out -- to verify that with the
6 insured?
7 A I didn't call him.
8 Q Did you do anything to verify
9 that?
10 A I put it in the December 20th
11 letter.
12 Q No, you didn't. I'm asking if you
13 did anything to verify whether or not the agent
14 told Mr. Williamson he could dispose of the
15 property?
16 A I'm sorry. Ask me again.
17 Q We're on the last line of the
18 second paragraph of the second page: We have
19 not yet verified that with the insured. And
20 "that" being him being told by the agent he
21 could dispose of the property. Do you follow
22 me?
23 A. Okay. What is your question?

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1 Q Did you do anything to verify that
2 with the insured?
3 A I verified that with the agent
4 Q You never called the insured about
5 that, did you?
6 A No, I didn't
7 Q What did the agent say?
8 A The agent advised that Jimmy
9 Williamson had called them in a panic saying
10 that somebody wanted to come look at the
11 equipment, and he'd already thrown it away. And
12 the agent said that he was telling them that
13 they had told him he could throw it away
14 Q And?
15 A The agents advised that they
16 didn't tell him he could throw it away.
17 Q Did you ever ask Jimmy Williamson
18 whether the agents told him he could throw it
19 away?
20 A No, I didn't
21 Q If the agents had told him to
22 throw it away, would that affect your decision
23 about this claim?

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1 A I would have to -- that decision
2 would have to be made from a branch manager or
3 somebody
4 Q Well, if an agent told an insured
5 it was okay to throw something away, would you
6 agree that it would be reasonable for the insured
7 to rely on that and throw it away?
8 MR PEARSON: Object to the form
9 A I wouldn't think it would be
10 reasonable if they were told to keep the damaged
11 equipment, and they threw it away
12 Q If they were told by their agent
13 after they had held it for almost a month that
14 it was okay to get rid of it, would there be any
15 reason for them to hold on to it?
16 A I don't know I would think I
17 would want to check with whoever was handling
18 the claim
19 Q Because you're an insurance man
20 You know that, don't you?
21 A Yes
22 Q Well --
23 A Especially after he had been told

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1 that somebody was coming to look at it.
2 Q That's what you've said You said
3 that December 15th --
4 A That's correct
5 MR PEARSON: Object to the form
6 Object to the mischaracterization of the date
7 MR HALL: All right What'd I
8 say?
9 MR PEARSON: I believe -- April,
10 did he say December 15?
11 COURT REPORTER: December 15
12 MR HALL: November 15th Thank
13 you, Joel
14 Q We have not yet verified that with
15 the insured You never tried to verify it with
16 the insured, did you?
17 A No.
18 Q I plan to get a statement from the
19 insured when he calls about the building damages
20 and what the agent told him You did not do
21 that, did you?
22 A He never called
23 Q He never called?

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1 A No
2 Q Did you have his phone number?
3 A Yes, I did
4 Q Did you call him?
5 A I sent him a letter requesting he
6 contact me
7 Q What letter? The February 3rd
8 letter?
9 A I'd have to see that letter
10 Q So you're saying that, I plan to
11 get a statement from the insured when he calls
12 about the building damages and what the agent
13 told him, you're saying you accomplished that by
14 writing a letter to Mr Williamson?
15 A I'm sorry Ask me again
16 Q I plan to get a statement from the
17 insured when he calls about the building damages
18 and what the agent told him You wrote that;
19 right?
20 A Let me back up I'd have to see
21 the letter to --
22 Q Find the letter It's a February
23 3rd letter. You can do it faster than I can.

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1 A Right.
 2 Q Even in this December 21 fax to
 3 the home office you said, I've requested he
 4 provide us with outside documentation of the
 5 damages to support his claim That was
 6 important, wasn't it?
 7 A Yes
 8 Q Outside documentation could have
 9 been sufficient to just pay the claim, couldn't
 10 it?
 11 MR PEARSON: Object to the form
 12 A I don't know that we would have
 13 paid the entire claim base on just that
 14 information
 15 Q If you had a Ph D in electrical
 16 engineering like you referenced earlier come in
 17 and say, every one of these pieces of equipment
 18 were damaged by lightning and these were damaged
 19 by water, just the way it was reported to you by
 20 your insured, would you have paid the claim?
 21 A It'd depend on --
 22 MR PEARSON: Object to the form
 23 A It depends on what we'd received

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1 from him If it was a well-documented lightning
 2 affidavit with photographs and the description
 3 on how each item was damaged and what led them
 4 to believe that it was damaged, it certainly
 5 would have been taken into consideration
 6 Q And you never interviewed either
 7 of the individuals who provided the lightning
 8 affidavits on this claim to see if they had that
 9 information, did you?
 10 A No I just reviewed the
 11 information that was their affidavit
 12 Q And put it in the file?
 13 A That's correct
 14 Q On December 21st, 2004, did have
 15 any claims besides Pioneer Telephone's still
 16 pending from Hurricane Ivan?
 17 A No Hurricane Ivan claims that went
 18 on for several months.
 19 Q Can you answer my question?
 20 A Did I personally have any?
 21 Q Did you have any claims pending
 22 under your supervision as of December 21, 2004,
 23 that were from Hurricane Ivan other than this

1 one?
 2 A I'm sure I did
 3 Q How many?
 4 A I don't have a number
 5 Q How would you find out?
 6 A I don't think there is a way to
 7 find out
 8 Q So I just have to take your word
 9 on it?
 10 A These Hurricane Ivan claims were
 11 not assigned to claim rep number four, which is
 12 my claim rep They were only given a claim rep
 13 four if something out of the ordinary was going
 14 on, and we changed it over from just a general
 15 hurricane claim to make it a claim that had a
 16 claim rep assigned to it
 17 Q Did you receive information that
 18 Mr Williamson threw away the equipment?
 19 A I received information from Larry
 20 Dewberry and from the agent
 21 Q About what?
 22 A That he had disposed of the
 23 equipment

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1 Q Do you have any reason to believe
 2 that Jimmy Williamson did not throw all that
 3 equipment into the dumpster?
 4 A I don't have any idea if he did or
 5 did not
 6 Q Do you have any suspicions that he
 7 did or didn't?
 8 A I don't have an opinion whether he
 9 did or didn't
 10 Q One way or the other?
 11 A I don't know if he did or didn't
 12 You'd have to ask him that
 13 Q If he says he threw it in the
 14 dumpster, would you have any reason to disagree
 15 with that?
 16 A If he told me he threw it away, I
 17 would assume he threw it away
 18 Q You don't have any suspicion that
 19 he sold it to somebody else or did something
 20 else with it, do you?
 21 A I don't have any evidence to point
 22 in that direction
 23 Q I asked you if you have any

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1 question again?
 2 Q I believe my question was: Did
 3 you believe he had complied with Paragraph Four
 4 where he protected the equipment?
 5 MR PEARSON: Object to the form
 6 and asked and answered
 7 A He did for a short period of time.
 8 Q You said before he had. Now
 9 you're going to put on there, for a short period
 10 of time?
 11 A Well, he did protect it for -- I
 12 don't know when he moved it to the storage shed
 13 Q That's right, you don't know.
 14 A I don't know that But he
 15 protected it for less than a month
 16 Q Six is what you're really
 17 concerned about That you weren't really able
 18 to see it again; right?
 19 MR PEARSON: Object to the form
 20 A Number six is where there was a
 21 problem with the claim
 22 Q And six says, as often as may be
 23 reasonably expected; correct?

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1 A Correct
 2 Q And you believe that means more
 3 than the inspection that took place on November
 4 15th?
 5 A Absolutely
 6 Q But you never wrote him and told
 7 him you wanted another inspection, did you?
 8 A No I told you I told him while
 9 we were in the shed that we were going to send
 10 somebody to look at it
 11 Q And you waited how long before you
 12 sent somebody?
 13 A It was less than a month
 14 MR PEARSON: Object to the form
 15 I'm telling you, Harry, this -- I've been very
 16 generous on letting you cover the same ground
 17 over and over Now, get on with it We've been
 18 here -- the time limit is coming in ten
 19 minutes If this deposition isn't over in ten
 20 minutes, we're going to call the judge again
 21 MR HALL: Thank you
 22 MR PEARSON: Because I believe
 23 that we set a limit on it, but I'll check --

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1 we'll stop and check the report and see what the
 2 time limit is on it But I'm trying to be -- we
 3 are going on six hours
 4 Q Have you had any other
 5 conversations or exchange of information with
 6 Pioneer Telephone Services other than the
 7 February 3rd letter, December 20th letter and
 8 the conversation on November 15th?
 9 A I don't believe so
 10 Q All right Did you ever tell
 11 South Central Agency, either one of the
 12 principals there, that if Jimmy Williamson
 13 pursued this claim any further that you would
 14 subrogate against his personal claim?
 15 A No, I didn't
 16 MR HALL: That's all I've got
 17 Thank you We'd attach Exhibit 10, which I'll
 18 put back together in the right order Do you
 19 have anything?
 20 MR PEARSON: No, I don't have
 21 anything
 22 ENDED AT 5 p m
 23 FURTHER DEPONENT SAITH NOT

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1 CERTIFICATE
 2
 3 STATE OF ALABAMA)
 4 MONTGOMERY COUNTY)
 5
 6 I hereby certify that the above
 7 and foregoing deposition was taken down by me in
 8 stenotype, and the questions and answers thereto
 9 were transcribed by means of computer-aided
 10 transcription, and that the foregoing represents
 11 a true and correct transcript of the deposition
 12 give by said witness upon said hearing
 13 I further certify that I am
 14 neither of counsel nor of kin to the parties to
 15 the action, nor am I in any way interested in
 16 the result of said cause
 17
 18
 19 APRIL BENDINGER, CCR
 20 CERTIFICATE NUMBER CCR-384
 21
 22 My Commission Expires
 23 June 8, 2008

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